

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Petitioner,

v.

KATHLEEN ALLISON, ET. AL.,

Respondents.

Case No. 1:22-cv-01031-HBK (HC)

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). To the extent discernable, Petitioner challenges his state sentence and conviction entered by the Superior Court of Los Angeles County in case number A917709. (*Id.* at 4). Los Angeles County is located within the jurisdiction and venue of the Western Division of the United States District Court for the Central District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*

1 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21,
2 2017) (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

3 Thus, the court finds in its discretion “and in furtherance of justice” the petition should be
4 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d). Further, the
5 Court declines to rule on Petitioner’s pending motion for a temporary restraining order. (Doc.
6 No. 2).

7 **Accordingly:**

8 1. The Clerk shall transfer this action to the United States District Court for the Central
9 District of California, Western Division; and

10 2. All future filings shall reference the new case number assigned and shall be filed at:

11
12 United States District Court
13 Central District of California
14 Western Division
255 East Temple Street
Los Angeles, CA 90012-3332

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16 Dated: September 26, 2022

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18 HELENA M. BARCH-KUCHTA
19 UNITED STATES MAGISTRATE JUDGE
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